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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,683

Applicant(s)

BUXTON, WILLIAM ARTHUR
STEWART

Examiner

Javid A. Amini

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 13-20 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 23, the phrase "is allowed" line 5 renders the claims indefinite because it is unclear the connection between the limitation(s) preceding the phrase i.e. "allowing" of the claimed invention. See MPEP § 2173.05(d).

Claim 7 recites the limitation "the determines" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 13, 14, 18, and 20 the phrase "or " renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Manchester with Publication number US 2004/0201595 A1, and further in view of Kim with Patent number US 6,897,882 B1.

1. Claim 1,

As per claim 1, "A graphical user interface displayed on a display and comprising a first part and a second part, the method comprising:" The preamble of the claim defines broadly a graphical user interface, (Examiner's interpretation: i.e. a user interface based on graphics (icons and pictures and menus) instead of text.) which comprises first and second parts. The second part of the claim defines: "the first part element is automatically reoriented relative to the display in accordance with a change to orientation/location information;" The reference Manchester in the abstract teaches a self-orienting display senses the characteristics of an object and automatically rotates and reformats a display image in accordance with those characteristics. Examiner's interpretation regarding the first part element in the claim may be similar to a display image 14, see fig. 2B. The third part of the claim invention defines "allowing the second interface part is allowed to remain in a same orientation relative to the display regardless of the change to the orientation/location information." Manchester in fig. 2A illustrates control buttons 18. Manchester at paragraph 0023 teaches control functions for example, playback, pause, stop, rewind, enable/disable back lighting, or a combination thereof. Furthermore, the control buttons 18 may include an orientation button that, when activated, orients the display image 14. For example, one of the control buttons 18 may switch the display image 14 between landscape orientation and portrait orientation each time the button is depressed/touched. In another example, the orientation control button may rotate the display

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image 14 a predetermined number of degrees each time it is depressed/touched. The control buttons 18 are optional. Thus, various embodiments of Manchester, the self-orienting display in accordance with the present invention may or may not comprise control buttons. Manchester at paragraph 0021 teaches the sensor 16 may comprise any type of sensor capable of sensing the orientation of the display device 12 and/or another object (e.g., a person viewing the display image 14). Examples of appropriate sensors include mechanical sensors, electrical sensors, optical sensors, acoustic sensors, gyroscopic sensors, or a combination thereof. Some specific types of sensors 16 include mercury switches, infrared detectors, motion detectors, ultrasonic detectors, cameras, and microphones, or a combination thereof. Note some types of sensors fall into more than one category. For example, a mercury switch may be considered a mechanical sensor and an electrical sensor, or an ultrasonic sensor may be considered an acoustic sensor and an electrical sensor. The sensor 16 may include a single sensor or a plurality of sensors. The sensor 16 may be positioned at various locations on the display device 12 or may be positioned at a single location. For example, sensors 16 may be placed at the corners of the display device 12. Furthermore, sensors 16 may be positioned on the display device, a person, or a combination thereof.

Manchester is silent explicitly allowing the second interface part remains in a same orientation as the display. Examiner incorporates a second reference Kim teaches a pivoting digital video display device having a pivot apparatus and a PIP function. The pivot apparatus rotates an image from a TV, VTR or DVD for PIP display so that the PIP display can be shown in the same orientation as the main display to provide a user with normal displays (see abstract). In fig. 5a and 5b illustrates an image (i.e. a rabbit) with different orientations and the second

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interface i.e. represented by numbers and letter or rows/columns, which are remained the same orientation as display information.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute applicant's described structure, material, or acts for that described in the prior art references. By modifying the Kim's fig. 1 the pip processor with first signal converter into Manchester's fig. 10 the display processor 42 to substitute applicant's claimed invention that allows a user interface to jump to a new orientation while another portion of the user interface stays fixed or does not reorient with respect to the user interface or a display displaying the same.

2. Claim 2,

A method according to claim 2, wherein the first part is a first user interface element and the second part is a second user interface element. Manchester in fig. 2A illustrates control buttons 18. Manchester at paragraph 0023 teaches control functions for example, playback, pause, stop, rewind, enable/disable back lighting, or a combination thereof. Furthermore, the control buttons 18 may include an orientation button that, when activated, orients the display image 14.

3. Claim 3,

A method according to claim 2, wherein a user explicitly determines the change to the orientation/location information. Manchester in fig. 2A illustrates control buttons 18. Manchester at paragraph 0023 teaches control functions for example, playback, pause, stop, rewind, enable/disable back lighting, or a combination thereof. Furthermore, the control buttons 18 may include an orientation button that, when activated, orients the display image 14.

4. Claim 4,

A method according to claim 3, wherein the explicit determination comprises the user interactively inputting information that indicates an orientation. Manchester at paragraph 0021 teaches the sensor 16 may comprise any type of sensor capable of sensing the orientation of the display device 12 and/or another object (e.g., a person viewing the display image 14). Examples of appropriate sensors include mechanical sensors, electrical sensors, optical sensors, acoustic sensors, gyroscopic sensors, or a combination thereof. Some specific types of sensors 16 include mercury switches, infrared detectors, motion detectors, ultrasonic detectors, cameras, and microphones, or a combination thereof.

5. Claim 5,

A method according to claim 2, wherein the change to the orientation/location information is determined automatically based on a spatial orientation/location change relative to the display. Manchester in the abstract teaches a self-orienting display senses the characteristics of an object and automatically rotates and reformats a display image in accordance with those characteristics.

6. Claim 6,

A method according to claim 5, wherein the automatic determination comprises at least one of sensing the orientation of an input device, sensing the orientation/location of a user, automatically identifying an identify of a user. Manchester in fig. 9 illustrates the claimed limitations.

7. Claims 7-12,

In view of following claims' limitations, it is not necessary to repeat the teachings of the references, therefore, the rejection of claim 1 applies to rejection of claims 7-12.

Mr. D. Ag—